

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRETZ WASHINGTON,

Plaintiff,

No. 23-06180 WHA

v.

PHILLIP BURTON FEDERAL BUILDING  
AND U.S. COURTHOUSE,

Defendant.

**ORDER ADOPTING  
RECOMMENDATION AND  
DISMISSING COMPLAINT SUA  
SPONTE**

---

**INTRODUCTION**

In this *pro se* action, plaintiff claims his rights were violated under FOIA. Magistrate Judge Laurel Beeler has filed a report and recommendation regarding dismissal of the complaint. For the reasons stated herein, the report and recommendation is **ADOPTED** and the complaint is **DISMISSED**.

**STATEMENT**

In November 2023, *pro se* plaintiff Bretz Washington brought this action against the United States government, although Phillip Burton Federal Building and Courthouse is listed as defendant in this action. Plaintiff brings forth two FOIA claims, asserting that he has “been trying to find a way in, the United States to get [his] proof nationality identification to be recognized by, federal law of [his] ethnicity what’s been stopped . . . by your [f]ederal government” (Compl. at 3). Plaintiff asserts that this information has been withheld from him.

In April 2024, having reviewed the complaint, Magistrate Judge Laurel Beeler filed a report and recommendation to dismiss the complaint because plaintiff had not stated a claim under FOIA. Judge Beeler noted that plaintiff was potentially seeking a claim under 5 U.S.C. § 552(a)(3) whereby FOIA mandates the government to disclose documents or records

pursuant to a request by a member of the public. However, plaintiff has not said “whether he made a request to an agency and what happened” (Dkt. No. 10-1 at 5).

Judge Beeler has gathered that a closer approximation of the events transpired involves plaintiff seeking entry into federal building at 450 Golden Gate Avenue but was denied by community service officers because the officers did not recognize his identification (Dkt. No. 10 at 5). For that reason, Judge Beeler found that plaintiff failed to state a claim under FOIA.

### ANALYSIS

Plaintiff was also granted leave to file an amended complaint by May 22, 2024, and file any objections by June 7, 2024. Plaintiff has not filed an amended complaint but did file a “report recommendation” on June 7 in which he reiterated his desire “to get the right information to be released,” while also stating that entrance into the federal building “was denied to [him] on two occasions” (Dkt. No. 13). However, plaintiff has not stated which agency he is seeking information from and whether he has in fact made such a request.

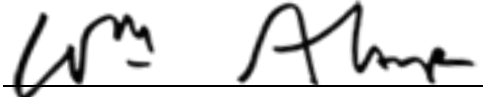
For the same reasons set forth in Judge Beeler’s order recommending dismissal, this order finds that plaintiff’s complaint is unclear as to which type of FOIA claim he is making and that, as currently pled, he has failed to state a claim upon which relief can be granted. Plaintiff has already been granted leave to amend his complaint and has declined to do so.

### CONCLUSION

For the foregoing reasons, plaintiff’s action is **DISMISSED**. The Clerk **SHALL CLOSE THE FILE**.

**IT IS SO ORDERED.**

Dated: July 15, 2024.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE